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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,700	01/02/2002	Uwe Hansmann	DE920000104US1/2289P	7582

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SAWYER LAW GROUP
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Palo Alto, CA 94303

EXAMINER

AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
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2156

MAIL DATE	DELIVERY MODE
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02/14/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/037,700	Applicant(s) HANSMANN ET AL.	
	Examiner Sana Al-Hashemi	Art Unit 2156	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/2/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This action is issued in response to RCE filed after BPAI dated 1/21/2011.

Claims 1-43 were canceled. Claims 44-51 were added.

Continued Examination Under 37 CFR 1.114

A request for continued examination (RCE) under 37 CFR 1.114 was filed in this application on 11/22/2010 after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. The request, however, lacks the fee required by 37 CFR 1.17(e) and/or the submission required by 37 CFR 1.114. Accordingly, the RCE is improper and any time period running was not tolled by the filing of the improper request.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The term "may be" in claims 44, and 49 is a relative term which renders the claim indefinite. The term "may be" makes the step of executing an option. Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 44-51, are rejected under 35 USC 102(e) as being anticipated by Bauer et al.

(Bauer hereinafter) US Patent No. 5,870,759 filed Oct. 9, 1999 and issued Feb. 9, 1999.

Regarding Claims 44, and 49, Bauer discloses a method for synchronizing data records stored on a server system with data records stored on a client system (Col. 1, lines 53-56, Bauer), comprising the steps of:

receiving a changed data record from the client system (Col. 2, lines 9-11, Bauer);

interpreting the received changed data record based on a client specific setup information, wherein the client specific setup information comprises information to enable the server system to identify the client system, to identify where to find information the server system needs for synchronization and to provide at least one client specific command for the client system (Col. 2, lines 1-14, wherein the limited data related to respective client corresponds to specific setup information, Bauer);

updating a server database with the received changed data record (Col. 2, lines 11-14, Bauer); and

transmitting a program comprising at least one client specific command, wherein the program may be executed by the client system for synchronization (Col. 2, lines 55-59, Bauer).

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Regarding Claims 45, and 50, Bauer discloses a method wherein the client specific setup information further describes a format of the data record stored in the client system (Col. 3, lines 3-9, Bauer).

Regarding Claims 46, and 51, Bauer discloses a method wherein the client system is one of a mobile phone, a handheld computer, and a personal digital assistant (Col. 1, lines 16-20, wherein the portable computer corresponds to the handheld computer, Bauer).

Regarding Claim 47, Bauer discloses a method for synchronizing data records stored on a client system with data records stored on a server system, comprising the steps of:

- identifying a changed data record in the client system (Col. 3, lines 21-26, Bauer);
- transmitting the changed data record to the server system (Col. 2, lines 55-59, Bauer);
- receiving a program comprising at least one client specific command, wherein the program is generated and transmitted by the server system based on a client specific setup information and the transmitted changed data record, wherein the client specific setup information comprises information to enable the server system to identify the client system, to identify where to find information the server system needs for synchronization and to provide at least one client specific command for the client system (Col. 3, lines 40-48, Bauer); and
- executing the program for synchronization (Col. 3, lines 53-59, Bauer).

Regarding Claim 48, Bauer discloses a method wherein receiving further comprises receiving a compiled program comprising object code executable by the client system for synchronization (Col. 26, lines 43-47, Bauer).

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Response to Arguments

Applicant's arguments filed 1/21/2011 have been fully considered but they are not persuasive.

Applicant argue the applied art fail to disclose “wherein the client specific setup information comprises information ... to provide at least one client specific command for the client system”.

Examiner disagrees. Col. 2, lines 1-14 discloses the argued limitations wherein the "limited data related to the respective client corresponds to the specific setup information and the client determines what modification detected at the creation of the new data item corresponds to the comprises information to enable the server system to identify the client system, to identify where to find information the server system needs for synchronization and to provide at least one client specific command for the client system.

Applicant argues the applied art fail to disclose transmitting program.

Examiner disagrees. Col. 2, lines 55-59 of the applied art discloses the method of transmitting a program.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is 571-272-4013.

The examiner can normally be reached on 8Am-4:30Pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pierre Vital can be reached on 571-272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sana Al-Hashemi/
Primary Examiner, Art Unit 2156
February 1, 2011